

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Agenda

June 14, 2016

7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilwoman Lozano

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- **Mayor Hernandez presents the following graduates from Hialeah Educational Academy with an Award of Merit for having graduated with a high school diploma and an Associate's Degree:**
 1. Alma Alvarado
 2. Rick Valdes
 3. Enrique Perez
 4. Eva Charron

5. Melissa Salgado

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on May 24, 2016. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-282, issued to Royal Electrical Supply, Inc., to purchase electrical supplies and materials, by an additional amount of \$10,000, for a total new cumulative amount not to exceed \$25,000. (CONSTRUCTION & MAINTENANCE DEPT.)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-286, issued to Manhattan Electric & Hardware Corporation, to purchase electrical supplies and materials, by an additional amount of \$10,000, for a total new cumulative amount not to exceed \$25,000. (CONSTRUCTION & MAINTENANCE DEPT.)
- D. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-284, issued to Miami Dade Electrical Supply, Inc., to purchase electrical supplies and materials, by an additional amount of \$10,000, for a total new cumulative amount not to exceed \$25,000. (CONSTRUCTION & MAINTENANCE DEPT.)
- E. Request approval to retain the professional services of Gabriel, Roeder, Smith & Company, as actuary consultant to the City, since it is advantageous to the City in that the firm is the current actuary for the Elected Officers Retirement Trust and Other Post-Employment Benefits Plan (OPEB), commencing on February 2016 and ending on September 30, 2016, in a total cumulative amount not to exceed \$50,000. (OFFICE OF MANAGEMENT AND BUDGET)
- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Horizon Contractors, Inc., vendor providing the lowest estimate, for the installation of additional drainage throughout the City, in a total cumulative amount not to exceed \$184,275. (STREETS DEPT.)
- G. Request permission to waive competitive bidding, since it is advantageous to the City, and renew the one year agreement entered into on June 3, 2013 by and between the City of Hialeah and Top Spin Services LLC, for tennis lessons at Good let Park, for a term of three years, with the vendor receiving eighty percent (80%) of the fees paid to the City for tennis

lessons or instructions and the City retaining twenty percent (20%) of the fees paid. (PARKS & RECREATION DEPT.)

- H. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-698, issued to VCA Animal Hospitals, Inc., for the services of health related vaccines, necessary licensing for each animal from Metro Dade County, dental care plan, kenneling, and maintaining the physical health of the Hialeah Police Department's K-9 dogs, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$28,500. (POLICE DEPT.)
 - I. Proposed resolution approving the expenditure totaling an amount not to exceed thirty thousand dollars (\$30,000) from the Law Enforcement Trust Fund – *State*, for the rental of vehicles, from Royal Rent-A-Car Systems of Florida, Inc., vendor # 21162, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
 - J. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into an interlocal agreement with Miami-Dade County to allow the Miami-Dade Office of Film and Entertainment to issue permits to film and Still Photography Production Companies to conduct filming and related activities within the geographic limits of the City, for a term of five years, with an option to renew for an additional term of five years, in a form as attached hereto and made a part hereof as Exhibit "1". (OFFICE OF THE MAYOR)
 - K. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to United Fire Protection, Inc., vendor providing the lowest quotation, to repair the fire suppression system damaged by lightning at Bucky Dent tower site, in a total cumulative amount not to exceed \$17,682. (FIRE DEPT.)
3. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Alberto Micha, as Trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street / State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was not heard and was postponed per the request of the applicant's representative on May 24, 2016 until June 14, 2016.

Item was not heard and was postponed per the request of the applicant's representative on May 10, 2016 until May 24, 2016.

Item was not heard and was postponed per the request of the applicant's representative on April 26, 2016 until May 10, 2016.

<i>Item was not heard and was postponed per the request of the applicant's representative on April 12, 2016 until April 26, 2016.</i>
<i>Item was not heard and was postponed per the administration on March 8, 2016 until April 12, 2016.</i>
<i>Item was approved by the City Council on first reading on January 12, 2016. Second reading and public hearing was scheduled for March 8, 2016.</i>
<i>Item was postponed by the administration on December 8, 2015 due to notice requirements.</i>
<i>Item was approved by the City Council on first reading on November 24, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>

4. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Atlas Hialeah Heights, LLC, a Florida Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 135.3 acres within an area bounded on the west by NW 97 Avenue, on the north by NW 170 Street, on the east by Interstate 75 / State Road 93, and on the south by theoretical NW 162 Street; all located in Hialeah, Florida. Property having a land use classification of Low-Medium Density Residential and to be developed within the parameters of the Residential Development District (RDD) Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

<i>Item was not heard and was postponed per the request of the applicant's representative on May 24, 2016 until June 14, 2016.</i>
<i>Item was not heard and was postponed, per the request of the applicant's representative, on May 10, 2016 until May 24, 2016.</i>
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5. Board Appointments
6. Unfinished Business
7. New Business
8. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-2 (One and Two Family Residential District) to C-2 (Liberal Retail Commercial). **Property located at 40 East 10 Avenue, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Felix M. Lasarte, Esq. as representative of the owner of the property*)

<i>Item was approved by the City Council on first reading on May 24, 2016.</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>

- PZ 2.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to OPS (Office and Professional Services District). **Property located at 791 East 23 Street, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre, Esq. as representative of the owner of the property*)

<i>Item was approved by the City Council on first reading on May 24, 2016.</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>

- PZ 3.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla., Ordinance 2015-02 (February 10, 2015) that rezoned property from B-1 (Highly Restricted Retail District) to

R-3-5 (Multiple Family District) and granted a Variance Permit to allow 34 parking spaces, where 39 are required, to further reduce the number of parking spaces from 34 parking spaces to 18 parking spaces. **Property located at 1190 Southeast 8 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Spinal Cord Living Assistance Development, Inc. (SCLAD) c/o Pedro Rodriguez, CEO*)

<i>Item was approved by the City Council on first reading on May 24, 2016.</i>
<i>Planner's Recommendation: Approval subject to Declaration of Restrictions to address parking.</i>
<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>

- PZ 4.** Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business District (NBD) overlay on property located at an activity node area pursuant to Hialeah Code §98-1630.8; and granting a Variance Permit to allow a building height of 96.33 feet, where 95 feet is the maximum allowed, and to allow 15.24 % of the residential units to have a floor area of 660 square feet, where a maximum of ten percent of residential units may have a minimum floor area of 600 square feet; contra to Hialeah Code §§ 98-1630.3 (b) and 98-1630.2. **Property is a vacant parcel lying on the north side of East 2nd Street and the south side of East 3rd Street, between East 1st Avenue and East 2nd Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: ELF Investment Group, LLC*)

<i>Item was approved by the City Council on first reading on May 24, 2016.</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on May 11, 2016.</i>

LANDUSE AMENDMENTS

- LU 1.** First reading of proposed ordinance amending the Future Land Use Map from Industrial to Commercial; **property located at 4185 East 10 Court, Hialeah, Florida,** zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Suniel Arzola*)

<i>Registered Lobbyist: Roger Cabrera</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on May 25, 2016.</i>

- LU 2.** First reading of proposed ordinance amending the Future Land Use Map from Transportation and Utilities and Low Density Residential to Transit Oriented Development; **properties located at 955 East 25 Street and 980 East 26 Street, Hialeah, Florida**, zoned C-1 (Restricted Retail Commercial District) and R-1 (One-Family District), respectively; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: L. Michael Osman, Esq.*)

<i>Registered Lobbyist: L. Michael Osman</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on May 25, 2016.</i>

- LU 3.** First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential and Commercial to Medium Density Residential. **Property located on a vacant parcel of land lying on the west side of West 4th Court and the east side of West 5th Avenue, between West 23rd Street and West 25th Street, Hialeah, Florida**, zoned C-1 (Restricted Retail Commercial District) and R-2 (One and Two Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hialeah Housing Authority c/o Felix M. Lasarte, Esq.*)

<i>Registered Lobbyist: Felix M. Lasarte, 3250 NE 1st Avenue, Miami, FL 33137</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on May 25, 2016.</i>

- LU 4.** First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential. **Property located at 20 West 40th Place, Hialeah, Florida**, zoned R-2-3 (Multiple Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Andres Guariguata*)

<i>Planner's Recommendation: Approve land use change from Low Density Residential to Medium Density Residential</i>
<i>The Planning and Zoning Board approved the item as recommended on May 25, 2016.</i>

- LU 5.** First reading of proposed ordinance amending the Future Land Use Map from Industrial to High Density Residential; **property located at 7925 West 2nd Court, Hialeah, Florida**, zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hugo P. Arza on behalf of Jetway Properties, LLC*)

<i>Registered Lobbyist: Juan J. Mayol, 701 Brickell Avenue, Miami, FL 33131</i>
<i>Planner's Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on May 25, 2016.</i>

- LU 6.** First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential and Residential Office to Commercial; **Properties located at 1440, 1450 and 1460 West 68th Street, Hialeah, Florida**, zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Elizabeth Bello on behalf of M & E Holdings, LLC*)

<i>Planner's Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on May 25, 2016.</i>

NEXT CITY COUNCIL MEETING: Tuesday, June 28, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 23, 2016 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).